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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,005	06/20/2003	Makoto Kudo	81751.0061	5768
26021 7590 01/23/2008 HOGAN & HARTSON L.L.P. 1999 AVENUE OF THE STARS SUITE 1400 LOS ANGELES, CA 90067			EXAMINER DOLLINGER, TONIA LYNN MEONSKE	
			ART UNIT 2181	PAPER NUMBER
			MAIL DATE 01/23/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/601,005

Applicant(s)

KUDO, MAKOTO

Examiner

Tonia LM Dollinger

Art Unit

2181

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. A substitute specification including the claims is required pursuant to 37 CFR 1.125(a) because it is written in idiomatic English.
2. A substitute specification must not contain new matter. The substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) and a statement that the substitute specification contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.
3. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

7. For example,

a. In claim 1, lines 3-4, the limitation "an instruction queue in which a plurality of instruction codes are fetched" does not literally make sense. One of ordinary skill in the art understands that instruction codes may be 1) fetched and stored in an instruction queue, OR 2) fetched from an instruction queue. It is not clear which one applicant is attempting to claim.

b. In claim 1, lines 5-6, the limitation "a fetch address operation circuit which calculates a fetch address used to fetch an instruction code in the instruction queue" does not literally make sense. One of ordinary skill in the art understands that instruction codes may be 1) fetched and stored in an instruction queue, OR 2) fetched from an instruction queue. It is not clear which one applicant is attempting to claim.

c. In claim 1, lines 7-8, the limitation "a fetch circuit which fetches an instruction code that is read out based on the fetch address into the instruction queue" does not literally make sense. It is not clear what "based on" is modifying. Is the fetch circuit, the instruction code, or the read based on

something? Also, it is not clear where the instruction code is read out from. It is additionally not clear if the claim means to say that the instruction code is read out into the instruction queue OR a fetch circuit fetches into the instruction queue. What does the into the instruction queue exactly modify?

d. In claim 1, line 11, the limitation "branch occurring address" is unclear. Is it the address in memory where the branch instruction is stored or is it the target address that is encoded in a branch instruction?

e. Similar ambiguities of claim 1 appear in claim 2.

8. Also, the limitations in the claims at the following locations are unclear:

a. Claim 3, lines 4-6, claim 4, lines 4-6 and 8-11, claim 5, lines 5-7 and 9-13, claim 6, lines 5-7 and 9-13, claim 7, lines 5-7 and 9-13, claim 8, lines 5-7 and 9-13, claim 9, lines 2-4, claim 10, lines 2-4 and 5-7, claim 11, lines 2-4 and 5-7, claim 12, lines 2-4 and 5-7, claim 13, lines 4-5, claim 14, lines 4-5, claim 15, lines 4-5, claim 16, lines 4-5, claim 17, lines 4-5, claim 18, line 4-5.

Response to Arguments

9. Applicant's arguments with respect to the claims have been fully considered and are persuasive. The prior art rejections have been withdrawn.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tonia LM Dollinger whose telephone number is (571) 272-4170. The examiner can normally be reached on Monday-Friday with first Friday's off.

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11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alford Kindred can be reached on (571) 272-4037. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TLMD

A handwritten signature in black ink, reading "Tonia L. M. Dollinger". The signature is fluid and cursive, with the first name "Tonia" being the most prominent.

Tonia L. M. Dollinger
Primary Patent Examiner
January 18, 2008